

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RAMELLO RANDLE,  
Plaintiff,  
v.  
MORENO, *et al.*,  
Defendants.

Case No. 1:25-cv-00230-EPG (PC)

ORDER FOR PLAINTIFF TO SHOW  
CAUSE WHY THIS ACTION SHOULD  
NOT BE DISMISSED WITHOUT  
PREJUDICE FOR FAILURE TO EXHAUST  
ADMINISTRATIVE REMEDIES BEFORE  
FILING THIS LAWSUIT

RESPONSE DUE IN THIRTY DAYS

Plaintiff Ramello Randle is a state prisoner proceeding *pro se* in this civil rights action. Plaintiff filed the complaint on February 21, 2025. (ECF No. 1). Plaintiff claims that poor prison conditions resulting from the deliberate indifference of Defendants have caused him and his cellmate to have health issues. (*Id.* at 13).

It appears from the face of the Complaint that Plaintiff did not exhaust his administrative remedies before filing this action. Accordingly, the Court will order Plaintiff to file a response within thirty days, explaining why this action should not be dismissed for failure to exhaust available administrative remedies. Such a dismissal would be without prejudice, so that Plaintiff may refile the action after exhausting administrative remedies, to the extent those remedies are still available. In the alternative, Plaintiff may file a notice of voluntary dismissal,

1 in which case the Court will dismiss Plaintiff's case without prejudice to Plaintiff refiling the  
2 complaint after exhausting administrative remedies.

### 3 I. LEGAL STANDARDS

4 Section 1997e(a) of the Prison Litigation Reform Act of 1995 ("PLRA") provides that  
5 "[n]o action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any  
6 other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until  
7 such administrative remedies as are available are exhausted." 42 U.S.C. § 1997e(a).

8 Prisoners are required to exhaust the available administrative remedies prior to filing  
9 suit. *Jones v. Bock*, 549 U.S. 199, 211 (2007); *McKinney v. Carey*, 311 F.3d 1198, 1199–1201  
10 (9th Cir. 2002) (*per curiam*). The exhaustion requirement applies to all prisoner suits relating to  
11 prison life. *Porter v. Nussle*, 534 U.S. 516, 532 (2002). Exhaustion is required regardless of the  
12 relief sought by the prisoner and regardless of the relief offered by the process, unless "the  
13 relevant administrative procedure lacks authority to provide any relief or to take any action  
14 whatsoever in response to a complaint." *Booth v. Churner*, 532 U.S. 731, 736, 741 (2001); *Ross*  
15 *v. Blake*, 578 U.S. 632, 643 (2016).

16 If the Court concludes that Plaintiff has failed to exhaust, the proper remedy is dismissal  
17 without prejudice of the portions of the complaint barred by section 1997e(a). *Jones*, 549 U.S.  
18 at 223–24; *Lira v. Herrera*, 427 F.3d 1164, 1175–76 (9th Cir. 2005).

19 When it is clear on the face of the complaint that a plaintiff failed to exhaust  
20 administrative remedies, dismissal is proper. *Albino v. Baca*, 747 F.3d 1162, 1166 (9th Cir.  
21 2014).

### 22 II. ANALYSIS

23 It appears from the face of the complaint that Plaintiff did not exhaust his available  
24 administrative remedies before filing this action.

25 The Court acknowledges that Plaintiff's complaint has checked the boxes indicating  
26 that he appealed his request for administrative relief to the highest level. (ECF No. 1, at p. 3).  
27  
28

1 However, there is also a section of Plaintiff's complaint labelled "Exhaustion of Remedies,"  
2 that appears to indicate otherwise. Specifically, in that section of the complaint, Plaintiff states:  
3     Myself and my cell-mate Jerome Birchett filed numerous of grievances  
4     regarding said matters in /this complaint.

5     I have multiple witnesses who actually witnessed the effects mentioned in this  
6     complaint with written declarations.

7     The event that occurred on 1-17-25 is on camera body camera of officer cambell  
8     and officer Morena also on the housing unit cameras.

9 (ECF No. 1, at p. 13). Notably, this section does not describe Plaintiff receiving any response  
10 to his grievances on this issue, filing an appeal of a grievance on this issue to the highest level,  
11 or receiving a response from such an appeal.

12     Additionally, the dates of the underlying events make it unlikely that Plaintiff had  
13 sufficient time to exhaust all administrative remedies before filing his complaint. Plaintiff  
14 alleges that he was first moved to cell 118 on December 15, 2024, and that his cell was flooded  
15 with sewer water for the following month. Plaintiff also states that on January 17, 2025,  
16 Plaintiff and his cellmate stopped at Officer Moreno and Officer Campbell's office "and once  
17 again we notified them can they help us with our cell and cleaning supplies and nothing was  
18 done." (ECF No. 1, at p. 11). Plaintiff then alleges that on January 17, 2025, Plaintiff slipped  
19 on a puddle of water that came from his call flooding. (ECF No. 1, at p. 11-12).

20     However, Plaintiff's complaint is signed on January 21, 2025. (ECF No. 1, at p. 14).  
21 This is just a few days after Plaintiff alleges that he spoke to Officers Moreno and Campbell,  
22 and slipped on a puddle of water. Even going by the date the complaint was filed, on February  
23 21, 2025, it is unlikely that Plaintiff had sufficient time to exhaust his administrative remedies  
24 by filing a grievance, receiving a response to a grievance, appealing that response, and  
25 receiving a final response to any grievance.

26     Accordingly, the Court will order Plaintiff to show cause why this action should not be  
27 dismissed for failure to exhaust available administrative remedies before filing this lawsuit. The  
28 Court notes that this dismissal would be without prejudice. Therefore, if Plaintiff exhausts his

1 administrative remedies in the future, he could refile the complaint.

2 In response to this order, the Court also welcomes Plaintiff to file any documents he  
3 believes demonstrates that he has exhausted all available administrative remedies.

4 **III. CONCLUSION AND ORDER TO SHOW CAUSE**

5 Accordingly, **IT IS ORDERED** that,

- 6 1. Within **thirty (30) days** from the date of service of this order, Plaintiff shall show  
7 cause why this action should not be dismissed, without prejudice, for failure to  
8 exhaust available administrative remedies.  
9  
10 2. Alternatively, Plaintiff may file a notice of voluntary dismissal, in which case the  
11 Court will dismiss the case without prejudice such that Plaintiff may refile the case  
12 after exhausting administrative remedies.  
13 3. A failure to comply with this order may result in the dismissal of Plaintiff's case.

14 IT IS SO ORDERED.

15  
16 Dated: **August 8, 2025**

/s/ Eric P. Grogg  
UNITED STATES MAGISTRATE JUDGE